

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT ENTERTAINMENT,
INC.,

Plaintiffs,

ANSWER

- v -

ECF CASE
07-CIV-7121
(LLS) (THK)

PARTY ART PRODUCTIONS INC., ROBERTA
HERMAN, PHILIP HERMAN, PARTY POOPERS, INC.,
MARLA MASE, 57TH STREET PARTY CORP. d/b/a
SAVE THE DATE, JENNIFER GILBERT, THE MAGIC
AGENCY INC., SHELLEY CARROLL, ERIC SILVEY
d/b/a ERIC SILVEY ENTERTAINMENT,

JURY TRIAL DEMANDED

Defendants.

Eric Silvey d/b/a Eric Silvey Entertainment ("Silvey"), referenced herein as "Defendant" by his attorneys, Law Offices Of Greenfield, Pusateri & Ruhl, hereby answers the Complaint of Lyons Partnership, L.P. and HIT Entertainment, Inc. ("Plaintiffs") as follows:

1. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 1 of the Complaint.
2. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 2 of the Complaint.
3. Defendant denies the allegations of Paragraph 3 of the Complaint.
4. Defendant denies the allegations of Paragraph 4 of the Complaint.
5. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 5 of the Complaint.
6. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 6 of the Complaint.

7. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 7 of the Complaint.

8. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 8 of the Complaint.

9. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 9a and 9b of the Complaint.

10. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 10a and 10b of the Complaint.

11. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 11a and 11b of the Complaint.

12. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 12a and 12b of the Complaint.

13. With respect to the allegations contained in Paragraph 13a of the Complaint, defendant admits that Eric Silvey is an individual doing business as Eric Silvey Entertainment with his principal place of business at 225 East 57th St., New York, NY 10022. Defendant denies the remaining allegations contained in Paragraph 13a of the Complaint.

14. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 14 of the Complaint.

15. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 15 of the Complaint.

16. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 16 of the Complaint.

17. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 17 of the Complaint.

18. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 18 of the Complaint.

19. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 19 of the Complaint.

20. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 20 of the Complaint.

21. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 21 of the Complaint.

22. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 22 of the Complaint.

23. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 23 of the Complaint.

24. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 24a, 24b, 24c, 24d, 24e, 24f, and 24g of the Complaint.

25. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 25 of the Complaint.

26. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 26 of the Complaint.

27. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 27 of the Complaint.

28. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 28 of the Complaint.

29. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 29 of the Complaint.

30. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 30 of the Complaint.

31. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 31 of the Complaint.

32. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 32 of the Complaint.

33. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 33 of the Complaint.

34. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 34 of the Complaint.

35. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 35 of the Complaint.

36. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraphs 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, 36k, 36l, and 36m of the Complaint.

37. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 37 of the Complaint.

38. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 38 of the Complaint.

39. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 39 of the Complaint.

40. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 40 of the Complaint.

41. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 41 of the Complaint.

42. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 42 of the Complaint.

43. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 43 of the Complaint.

44. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 44 of the Complaint.

45. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 45 of the Complaint.

46. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 46 of the Complaint.

47. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 47 of the Complaint.

48. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 48 of the Complaint.

49. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 49 of the Complaint.

50. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 50 of the Complaint.

51. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 51 of the Complaint.

52. Defendant denies the allegations of Paragraph 52 of the Complaint.

53. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 53 of the Complaint.

54. Defendant denies the allegations of Paragraph 54 of the Complaint.

55. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 55 of the Complaint.

56. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 56 of the Complaint.

57. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 57 of the Complaint.

58. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 58 of the Complaint.

59. Defendant denies the allegations of Paragraph 59 of the Complaint.

60. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 60 of the Complaint.

61. Defendant denies the allegations of Paragraph 61 of the Complaint.

62. Defendant denies the allegations of Paragraph 62 of the Complaint.

63. Defendant denies the allegations of Paragraph 63 of the Complaint.

64. Defendant denies the allegations of Paragraph 64 of the Complaint.

65. Defendant denies the allegations of Paragraph 65 of the Complaint.

66. Defendant denies the allegations of Paragraph 66 of the Complaint.

67. Defendant denies the allegations of Paragraph 67 of the Complaint.

68. Defendant denies the allegations of Paragraph 68 of the Complaint.

69. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

70. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 70 of the Complaint.

71. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 71 of the Complaint.

72. Defendant denies the allegations of Paragraph 72 of the Complaint.

73. Defendant denies the allegations of Paragraph 73 of the Complaint.

74. Defendant denies the allegations of Paragraph 74 of the Complaint.

75. Defendant denies the allegations of Paragraph 75 of the Complaint.

76. Defendant denies the allegations of Paragraph 76 of the Complaint.

77. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 77 of the Complaint.

78. Defendant denies the allegations of Paragraph 78 of the Complaint.

79. Defendant denies the allegations of Paragraph 79 of the Complaint.

80. Defendant denies the allegations of Paragraph 80 of the Complaint.

81. Defendant denies the allegations of Paragraphs 81a, 81b, 81c, 81d, 81e, and 81f of the Complaint.

82. Defendant denies the allegations of Paragraph 82 of the Complaint.

83. Defendant denies the allegations of Paragraph 83 of the Complaint.

84. Defendant denies the allegations of Paragraph 84 of the Complaint.

85. Defendant denies the allegations of Paragraph 85 of the Complaint.

86. Defendant denies the allegations of Paragraph 86 of the Complaint.

87. Defendant denies the allegations of Paragraph 87 of the Complaint.

88. Defendant denies the allegations of Paragraph 88 of the Complaint.

89. Defendant denies the allegations of Paragraph 89 of the Complaint.

90. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

91. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 91 of the Complaint.

92. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 92 of the Complaint.

93. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 93 of the Complaint.

94. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 94 of the Complaint.

95. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 95 of the Complaint.

96. Defendant denies the allegations of Paragraph 96 of the Complaint.

97. Defendant denies the allegations of Paragraph 97 of the Complaint.

98. Defendant denies the allegations of Paragraph 98 of the Complaint.

99. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

100. Defendant denies the allegations of Paragraph 100 of the Complaint.

101. Defendant denies the allegations of Paragraph 101 of the Complaint.

102. Defendant denies the allegations of Paragraph 102 of the Complaint.

103. Defendant denies the allegations of Paragraph 103 of the Complaint.

104. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

105. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 105 of the Complaint.

106. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 106 of the Complaint.

107. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 107 of the Complaint.

108. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 108 of the Complaint.

109. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 109 of the Complaint.

110. Defendant denies the allegations of Paragraph 110 of the Complaint.

111. Defendant denies the allegations of Paragraph 111 of the Complaint.

112. Defendant denies the allegations of Paragraph 112 of the Complaint.

113. Defendant denies the allegations of Paragraph 113 of the Complaint.

114. Defendant denies the allegations of Paragraph 114 of the Complaint.

115. Defendant denies the allegations of Paragraph 115 of the Complaint.

116. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

117. Defendant denies the allegations of Paragraph 117 of the Complaint.

118. Defendant denies the allegations of Paragraph 118 of the Complaint.

119. Defendant denies the allegations of Paragraph 119 of the Complaint.

120. Defendant denies the allegations of Paragraph 120 of the Complaint.

121. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

122. Defendant denies the allegations of Paragraph 122 of the Complaint.

123. Defendant denies the allegations of Paragraph 123 of the Complaint.

124. Defendant denies the allegations of Paragraph 124 of the Complaint.

125. Defendant denies the allegations of Paragraph 125 of the Complaint.

126. Defendant denies the allegations of Paragraph 126 of the Complaint.

127. Defendant repeats and reavers the foregoing responses as if fully set forth herein.

128. Defendant denies knowledge or information sufficient to form a belief regarding the truth of the allegations of Paragraph 128 of the Complaint.

129. Defendant denies the allegations of Paragraph 129 of the Complaint.

130. Defendant denies the allegations of Paragraph 130 of the Complaint.

131. Defendant denies the allegations of Paragraph 131 of the Complaint.

132. Defendant denies the allegations of Paragraph 132 of the Complaint.

133. Defendant denies the allegations of Paragraph 133 of the Complaint.

134. Defendant denies the allegations of Paragraph 134 of the Complaint.

135. Defendant denies the allegations of Paragraph 135 of the Complaint.

136. Defendant denies the allegations of Paragraph 136 of the Complaint.

137. Defendant denies any and all other allegations of the Complaint that are not specifically responded to above.

AFFIRMATIVE DEFENSES

First Affirmative Defense

138. Plaintiffs' claims are barred by the doctrine of unclean hands.

Second Affirmative Defense

139. Plaintiffs' claims are barred by the doctrine of estoppel.

Third Affirmative Defense

140. Plaintiffs' claims are barred by the doctrine of waiver.

Fourth Affirmative Defense

141. Plaintiffs' claims are barred by the doctrine of laches.

Fifth Affirmative Defense

142. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of Plaintiffs, and was not caused by Silvey.

Sixth Affirmative Defense

143. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of named Defendant other than Silvey, and was not caused by Silvey.

Seventh Affirmative Defense

144. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of third parties, and was not caused by Silvey.

Eighth Affirmative Defense

145. Plaintiffs' claims are barred by the applicable statutes of limitation.

Ninth Affirmative Defense

146. Plaintiffs failed to mitigate their damages, if any, and this failure was the direct and proximate cause of any and all damages alleged to have been sustained by Plaintiffs.

Tenth Affirmative Defense

147. Plaintiffs' claims against Silvey are barred because Plaintiffs have not suffered any legally cognizable injury arising from any act or omission of those Defendants.

Eleventh Affirmative Defense

148. Plaintiffs failed to allege sufficient facts to state a cause of action for which relief may be granted against Silvey.

PRAYER FOR RELIEF

WHEREFORE, Defendant requests respectfully that this Court enter judgment:

- (a) denying all relief sought in the Complaint;
- (b) dismissing the Complaint in its entirety with prejudice;
- (c) awarding Defendant his costs, expenses and attorneys' fees in this action; and
- (d) granting such other and further relief as the Court finds just and proper.

Respectfully submitted,

Dated: October 25, 2007

ERIC SILVEY ~~dba~~ ERIC SILVEY
ENTERTAINMENT by
his attorneys

GREENFIELD, PUSATERI & RUHL

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